

JS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

14 CV 3469 3 2014

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
EDMUND SMALL, et al.DEFENDANTS
CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Woodley & McGillivray; 1101 Vermont Ave, N.W., Suite 1000
Washington, DC 20005
202-833-8855

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This is an action to recover unpaid overtime compensation and other relief pursuant to 29 U.S.C. 207 and 261(b), and 28 U.S.C. 1331.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? ☒ Yes ☐ No Judge Previously Assigned Judge Scheindlin

If yes, was this case Vol. ☒ Invol. ☐ Dismissed. No ☐ Yes ☒ If yes, give date 11/19/12; 10/25/13 & Case No. 4-02979; 12-02957-11

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] PHARMACEUTICAL PERSONAL	[] SEIZURE OF PROPERTY
[] 130 MILLER ACT	[] LIABILITY	[] INJURY/PRODUCT LIABILITY	[] 21 USC 881
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	[] 690 OTHER
	[] SLANDER	[] PRODUCT LIABILITY	
[] 150 RECOVERY OF	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL	
OVERPAYMENT &	EMPLOYERS'	[] INJURY PRODUCT	
ENFORCEMENT	LIABILITY	[] LIABILITY	
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	
[] 152 RECOVERY OF	[] LIABILITY	[] 371 TRUTH IN LENDING	
DEFAULTED	[] 350 MOTOR VEHICLE		
STUDENT LOANS	[] 355 MOTOR VEHICLE		
(EXCL VETERANS)	[] PRODUCT LIABILITY		
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR
OVERPAYMENT	INJURY	[] PROPERTY DAMAGE	[] 710 FAIR LABOR
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	[] STANDARDS ACT
BENEFITS	MED MALPRACTICE	[] PRODUCT LIABILITY	[] 720 LABOR/MGMT
[] 160 STOCKHOLDERS		PRISONER PETITIONS	[] RELATIONS
[] 190 OTHER	ACTIONS UNDER STATUTES	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT
CONTRACT	CIVIL RIGHTS	[] 510 MOTIONS TO	[] 751 FAMILY MEDICAL
CONTRACT	[] 440 OTHER CIVIL RIGHTS	[] VACATE SENTENCE	[] LEAVE ACT (FMLA)
PRODUCT	(Non-Prisoner)	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR
LIABILITY	[] 441 VOTING	[] 535 DEATH PENALTY	[] LITIGATION
[] 196 FRANCHISE	[] 442 EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC
	[] 443 HOUSING/	PRISONER CIVIL RIGHTS	SECURITY ACT
REAL PROPERTY	[] 444 ACCOMMODATIONS	[] 550 CIVIL RIGHTS	IMMIGRATION
[] 210 LAND	[] 445 AMERICANS WITH	[] 555 PRISON CONDITION	[] 462 NATURALIZATION
[] 220 CONDEMNATION	DISABILITIES -	[] 560 CIVIL DETAINEE	[] APPLICATION
[] 230 FORECLOSURE	EMPLOYMENT	[] CONDITIONS OF CONFINEMENT	[] 465 OTHER IMMIGRATION
[] 240 RENT LEASE &	[] 446 AMERICANS WITH		ACTIONS
EJECTMENT	DISABILITIES -OTHER		
[] 245 TORTS TO LAND	[] 448 EDUCATION		
[] 245 TORT PRODUCT			
LIABILITY			
[] 290 ALL OTHER			
REAL PROPERTY			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ Unknown OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Please see Exhibit A

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

City of New York, 100 Church Street, New York, NY 10007 (New York County)

New York Police Department, One Police Plaza, New York, NY 10038 (New York County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 5/13/2014 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. 01 Yr. 1995)
 Attorney Bar Code # MB5742

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)